

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2005/007103

International filing date (day/month/year)
01.07.2005

Priority date (day/month/year)
02.07.2004

International Patent Classification (IPC) or both national classification and IPC
A61B18/18

Applicant
MICROSULIS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2005/007103

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	6-13,16
	No: Claims	1-5,14,15
Inventive step (IS)	Yes: Claims	
	No: Claims	6-13,16
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

1. Reference is made to the following documents:

D1: US 2003/088242 A1
D2: WO 00/09208 A
D3: WO 2004/033039 A
D4: US-A-4 557 272

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

- 2.1. Document D1 discloses (the references in parentheses applying to this document): a radiation applicator for applying electromagnetic radiation to tissue (abstract), comprising:

- an axial central conductor adapted to be coupled to a source of electromagnetic radiation and defining an axis (§[0056]);
- an elongate dielectric member, the dielectric member surrounding at least part of the central conductor along an axial length thereof (§[0056]);
- a metal ferrule, the ferrule being attached to the dielectric member and surrounding a portion of the central conductor and extending parallel thereto along a length thereof (§[0060]).

Therefore, the subject-matter of claim 1 lacks novelty over the disclosure of document D1 under Art.33(1) and (2) PCT.

- 2.2. It is indicated that the subject-matter of independent claim 1 is also anticipated by the disclosure of documents D3 (see D3: abstract; p.3, l.32 - p.4, l.3; fig.1) and D4 (see D4: fig.9; col.16, l.29-34; col.17, l.14-20).
3. Dependent claims 2-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty or inventive step, since they are either disclosed in documents D1-

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D4 or merely directed towards straightforward possibilities or slight constructional changes, which come within the scope of a person skilled in the art. Exemplary references are made for claims 2 (see D1: §[0063]), 5 (see D1: fig.2B; §[0056]), 6 and 7 (see D2: p.5, l.25-35; p.6, l.32 - p.7, l.7; p.7, l.25-28), 14 (see D1: fig.5), 15 (see D1: §[0058]).